IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

Con.Case(C).No. 687 of 2007(S)

AGAINST THE ORDER IN WPC.10613/2007 Dated 02/04/2007

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PETITIONER/PETITIONER IN THE W.P

V.KESAVAN,S/O.VELUMBAN,AGED 55 YEARS,
RETIRED ATTENDER,KERALA STATE DEVELOPMENT CORPN.
FOR CHRISTIAN CONVERTS FROM SCHEDULED CASTES AND
THE RECOMMENDED COMMUNITIES LTD.,REGIONAL OFFICE,
THIRUVANANTHAPURAM, RESIDING AT KARAZHITHARA VEEDU,
SOORANADU NORTH,KOLLAM.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS: 3RD RESPONDENT IN THE W.P

D.UDAYAKUMARIAMMA,W/O.NOT KNOWN TO THIS
PETITIONER,AGED NOT KNOWN TO THIS PETITIONER,
REGIONAL MANAGER IN CHARGE,KERALA STATE DEVELOPMENT
CORPORATION FOR CHRISTIAN CONVERTS FROM SCHEDULED
CASTES AND THE RECOMMENDED COMMUNITIES LTD.,
REGIONAL OFFICE,THIRUVANANTHAPURAM.

BY ADV. SRI. P.V. ASHA, SC

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 03/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

C.O.C No.687 of 2007 S

Dated this the 3rd day of July, 2007.

JUDGMENT

The petitioner has approached this court alleging violation of the direction of this court in Annexure IV order. It is common case that during the pendency of the contempt application, the direction of this court has been complied with. On reporting the fact before this court, this court passed the following order:

> "***The respondent appeared through counsel. Now, it is common case that the respondent has paid the amount due to the petitioner. But, there is a delay of one month in paying it. The petitioner submits, he has suffered substantial loss as a result of it. He has to pay additional interest for one more month. I propose to pass an order, directing the respondent to pay the said amount to the petitioner by way of costs. The respondent may show cause why such an order should not be passed. Post after two weeks***."

2. The respondent has filed an affidavit, as directed by this court, explaining the circumstances under which the delay was occasioned.

3. Heard learned counsel on both sides.

4. The respondent points out that petition for extension of time was filed by the respondent on 8.5.2007. When it came up before the vacation bench, it was adjourned at the instance of the petitioner. Thereafter, this contempt application was filed on 17.5.2007, which came up for admission on 29.5.2007. The amounts due to the petitioner were released on 24.5.2007. In view of the decisions of the Apex Court, it may not be proper to issue further directions in the contempt application. Therefore, the claim of the petitioner for being compensated for the delay in payment of the amount is kept open, which can be decided in the writ petition, after hearing both sides.

It is not in dispute that there is some delay in complying with the direction of this court. Therefore, the petitioner is entitled to get costs, which is fixed as Rs.1,000/-, which shall be

paid by the Corporation to the petitioner within one month from today.

Contempt petition is accordingly closed.

Sd/-

(K.BALAKRISHNAN NAIR)
JUDGE

sk/

//true copy//

P.S. To Judge